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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,642	05/03/2001	Shunpei Yamazaki	SEL 258	7227

7590 06/05/2007
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EXAMINER

SCHECHTER, ANDREW M

ART UNIT	PAPER NUMBER
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2871

MAIL DATE	DELIVERY MODE
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06/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/848,642

Applicant(s)

YAMAZAKI ET AL.

Examiner

Andrew Schechter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-24, 76, 77 and 85-100 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-24, 76, 77 and 85-100 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5 April 2007 have been fully considered but they are not persuasive.

The applicant argues [p. 10] that *Yamazaki* (filed 2 February 2001) is not prior art due to the foreign priority document filed 12 May 2000. The applicant states that a verified English translation of this document is being prepared. However, as of 1 June 2007, this verified translation has not been received by the examiner, therefore this argument is not sufficient to overcome the previous rejections.

The previous rejections are therefore repeated below, modified as necessary due to the amendments to the claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 21-24, 76, 77, and 85-100 are rejected under 35 U.S.C. 102(e) as being anticipated by *Yamazaki et al.*, U.S. Patent No. 7,023,021.

[The applied reference has a common assignee and inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131. It might also be overcome by the filing of a certified translation of the applicant's priority document, perfecting a claim to a foreign priority date of 12 May 2000.]

Yamazaki discloses [see Fig. 9, for instance] an electro-optical device comprising a semiconductor layer [see Fig. 9A] formed over a first substrate, and having at least a source region, a drain region, and a channel formation region interposed therebetween, a first insulating film [117] formed on the semiconductor layer, a gate electrode [135 in TFT 404] formed on the first insulating film and overlapping the channel formation region, a source wiring [137] formed on the first insulating film, a second insulating film [158] covering at least the gate electrode and the source wiring, a gate wiring [300] formed over the second insulating film and connected to the gate electrode [see Fig. 1], a second substrate opposed to the first substrate [see Fig. 5, which shows the color filter substrate], a light shielding portion [see Fig. 5] comprising a first colored layer [571, blue] and a second colored layer [570, red]; first, second, and third pixel openings with first, second, and third colored layers, a leveling film [573] which is an organic resin film [col. 16, lines 58-61] covering the light shielding portion and the colored layers, wherein

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the light shielding portion is formed overlapping the channel formation region [see Fig. 5], a liquid crystal [575] is interposed between the leveling film and the channel formation region, the leveling film has a thickness of 1 μm or more [col. 16, lines 54-55], the light shielding portion is interposed between the second substrate and the liquid crystal, and a pixel electrode [303] electrically connected to the source or drain region comprises a transparent conductive film. Claim 21 is therefore anticipated.

Considering claim 76, the additional limitations over claim 21 are that it is a portable telephone, which is met by *Yamazaki* [see Fig. 22a], and that the light shielding portion comprises also a third colored layer, which is also met by *Yamazaki* [which teaches that the light shield can be red, a lamination of red and blue or a lamination of red, blue, and green, col. 9, lines 18-21], so claim 76 is also anticipated.

The third colored layer is green, so claims 22 and 77 are also anticipated. It is a transmissive LCD, so claim 23 is also anticipated. It can be used in the recited devices [see Figs. 20-22], so claim 24 is also anticipated. The gate wiring overlaps a portion of the semiconductor layer containing at least the channel formation region, so claims 85 and 88 are also anticipated. The gate electrode and source wiring comprise a same material [see Fig. 2], so claims 86 and 89 are also anticipated. The first insulating film comprises a gate insulating film, so claims 87 and 90 are also anticipated. There is a step at a portion where the first colored layer overlaps the second (or the second and third) [see Fig. 5 – this step is smoothed out by the leveling film], so claims 93 and 94 are also anticipated.

Considering claim 91, the additional limitation over those previously considered is that there is a opposing electrode comprising a second transparent conductive film, interposed between the liquid crystal and the organic resin film, which is met by *Yamazaki* [electrode 576], so claim 91 is also anticipated. Claim 95 is analogous to claim 93, so it is also anticipated. Claim 92 has only limitations already considered, and claim 96 is analogous to claim 93, so claims 92 and 96 are also anticipated.

As noted above, the organic resin film [573] is a leveling film, so claims 97-100 are also anticipated.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Schechter whose telephone number is (571) 272-2302. The examiner can normally be reached on Monday - Friday, 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Andrew Schechter
Primary Examiner
Technology Center 2800
1 June 2007